

certain antimicrobial substances in food contact applications. Historically, such substances were regulated by the Food and Drug Administration (FDA) as food additives and were approved by that agency under Section 409 of the (FFDCA). With the FQPA definitional changes, such substances now fall within the term "pesticide chemical" and are subject to regulation by the Environmental Protection Agency (EPA) under Section 408 of the FFDCA.

Since the passage of the FQPA in August 1996, these shifts in regulatory jurisdiction have led to delays in the processing of petitions for clearance of certain antimicrobials under the FFDCA. In the interim, in addition to the losses to the companies with pending petitions, the American public is losing the economic and environmental advantages that these products may offer. An amendment similar to the proposed technical correction was considered in October 1997, late in the conference on the FDA Modernization Act (FDAMA) but was deferred for later consideration. In the FDAMA Conference Report, however, the conferees urged the interested parties to pursue a new vehicle to achieve resolution of this jurisdictional issue.

The technical correction made by H.R. 4679 does not remove any use of a substance from regulation as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Thus, any use of an antimicrobial in the manufacture of packaging for both food and non-food applications that is a pesticidal use under FIFRA would, in addition to FDA review as a food additive, continue to be subject to pesticide registration under FIFRA. Moreover, the proposed legislative language does not affect FDA's existing jurisdiction over antimicrobial substances (with the exception of ethylene oxide and propylene oxide) used in or on processed food, which are not "pesticide chemicals" under the FFDCA.

H.R. 4679 would achieve the following:

1. Consistent with its traditional broad regulatory authority over food products and processing, FDA would have authority under FFDCA Section 409 to regulate as food additives—

Those antimicrobial substances used in or on food, or water that comes into contact with food, if such substances are used where food is prepared, packed or held for commercial purposes.

Most antimicrobials used as food contact substances, such as those used in the manufacture of food contact packaging.

2. Consistent with EPA's traditional role in reviewing uses of antimicrobials in agricultural applications, EPA would retain authority under FFDCA Section 408 to regulate—

Antimicrobials used on raw agricultural commodities, or on water used on such commodities in the field; in a facility where raw agricultural commodities are the only food treated, and the treatment is in a manner that does not change the status of the food as a raw agricultural commodity (e.g., washing, waxing, fumigating, and packing such commodities in such a manner); or during transportation of raw agricultural commodities between the field and such a treatment facility.

Under this legislation, Congress intends that EPA will continue to regulate fumigants applied to stored raw agricultural commodities in the above locations.

3. EPA would have regulatory authority under FFDCA, over residues of the fumigants

ethylene oxide and propylene oxide on both raw agricultural commodities and processed food, including ground spices. Additionally, use of ethylene oxide and propylene oxide on foods, including processed foods, will be a pesticidal use under FIFRA.

4. EPA would have regulatory authority over residues of antimicrobials used on semi-permanent or permanent food contact surfaces other than food packaging. Similarly, EPA would have regulatory authority over antimicrobial substances impregnated in semi-permanent or permanent food contact surfaces other than food packaging if the substance is intended to serve the same purpose as application of an antimicrobial to the exterior of such surface.

5. A "grandfather/transitional" provision would ensure that any regulation authorizing the use of an antimicrobial substance that, under this legislation is not a pesticide chemical use and thus is subject to FDA's regulatory authority under section 409, would be considered a regulation issued under Section 409. Thus, after the passage of the amendment, all antimicrobial products under FDA's food additive authority would be regulated under the same statutory authority.

Except as noted for ethylene oxide and propylene oxide, this amendment would affect the regulation of antimicrobial pesticides only under the FFDCA. EPA would continue to regulate antimicrobial pesticides under FIFRA, and EPA's authorities under that statute would not be changed. Companies selling or distributing antimicrobial pesticides must apply to EPA for registration of their products. EPA will review the applications under FIFRA sec. 3, which requires among other things that the products not cause "unreasonable adverse effects on the environment." That term is defined in FIFRA sec. 2(bb) to mean: "(1) any unreasonable adverse effects on the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, and (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act . . ."

Thus, it is Congress' intent that EPA, in deciding under FIFRA whether to grant, amend, or cancel a registration for an antimicrobial pesticide that poses a human dietary risk, shall take such action only if EPA determines that the risks from such residues are not inconsistent with the safety standard in FFDCA sec. 408. Additionally, Congress intends that in granting, modifying, or canceling a tolerance for a pesticide chemical residue under section 408, EPA consider exposures to substances regulated under section 409 where applicable.

Overall, the technical correction made by H.R. 4679 presents an opportunity to reverse a change that Congress did not intend to make and allow companies to bring these beneficial antimicrobial products to market without further unnecessary delay. Importantly, shifting regulatory jurisdiction over certain antimicrobial uses of FDA will continue to ensure public health protection provided by the FFDCA.

REGARDING LINDA BUSHELL

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. ORTIZ. Mr. Speaker, I rise to speak about and to congratulate a great teacher in my Congressional District, Linda Bushell. Linda Bushell, now an assistant principal at Martin Middle School in Corpus Christi, Texas, is being recognized for her work with students when she taught history at Baker Middle School from 1990–May 1998. She is being named to the All-USA Teacher Team, a representative of all outstanding teachers who daily work to open kids' minds and advance their knowledge. Nineteen individuals and one team of four, were selected from 649 nominees.

These exceptional teachers are being honored for making a difference. They inspire us not only as working professionals but also as citizens. Their extraordinary talent to connect with students and their ability to make learning fun enables them to reach out to kids and help them expand their horizons with special programs. Linda Bushell is one of four teachers who began the Community Connection program in Corpus Christi, Texas, a program to give at risk students an up-close look at why academics are relevant to real-world success. In this program Baker Middle School students volunteer at museums, hospitals, or other community sites, and observe professionals as well as hear them speak about what they do on a daily basis. These volunteer opportunities help inspire kids to be more than they believe they can be or do. For example, one young woman after volunteering at an office in the Nueces County courthouse stated happily, "I can really be a lawyer. Women can be lawyers." The program gives students self-confidence and gives them a view of the real world outside of what they daily experience in school.

Once again, I congratulate Linda Bushell for the superb job she does in the education arena for students in South Texas. We are fortunate to have teachers like you teaching our children. You deserve this recognition for you have given your heart and much hard worked hours for our students. Keep up the work.

THE BEST OF STAFF

**HON. THOMAS J. MANTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. MANTON. Mr. Speaker, I rise to pay tribute to my staff, both past and present, for their fine work, dedication, and loyalty.

Mr. Speaker, today, I likely cast my last vote as a Member of this august body. For fourteen years, I have served proudly my constituents of the 7th Congressional District of New York. I hope that I have served them well. I would be remiss, however, if I did not acknowledge and praise the hard-working men and woman who have served with me.

Congressional staff are all too often overlooked in their daily duties and under-appreciated for their efforts. But, as my colleagues well know, this great democratic institution

simply could not function without the good work and commitment of our staff.

Mr. Speaker, I have had the great good fortune to have what I consider to be one of the best offices in the Congress and I offer this statement as a small tribute to their good deeds. While individual staffers have come and gone over the years, the office has always functioned as a team, always striving to do their best for me and for the citizens of Queens and the Bronx. I thank them all from the bottom of my heart.

Mr. Speaker, I would like to take this opportunity to mention a few of my closest and longest served staffers; individuals who I have come to rely upon without hesitation and whom I consider to be friends.

Jim Mathews, my current Chief of Staff, has served with me for over ten years. First as my Legislative Assistant for Merchant Marine and Fisheries, later as my Legislative Director, and then as my Staff Director for the Subcommittee on Fisheries Management. After a two year stint as the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response at the U.S. Environmental Protection Agency, Jim was kind enough to return to work for me in his current position.

Steve Vest was with me from the start, first as my Legislative Director and then as my Chief of Staff for many years. He has gone on to a successful career as Vice President of Government Affairs with Rupert Murdoch's News Corporation. His advice and counsel always served me well.

David Springer served as my first Chief of Staff. Without David's excellent political insight and working knowledge of the Congress, I could not have been as successful as I was early on in my House service. He has since put his skills to work as a partner in the prestigious Washington Group.

John Olmsted, my Office Manager, has been with me since I took the oath of office in 1985. How a son of Minnesota made his way to the office of a Congressman from New York City I do not know, but I am glad he did. John has kept our computers running and my expense account straight. I will miss his advice on the market as I head towards retirement.

Brian Browne has served me well as my Queens District Office Manager. Balancing a new family with the long hours of a District staffer meeting with constituents at almost any hour of day or night, Brian has done a great job. I wish him well in his new career at my alma mater, St. Johns University.

Lizzy O'Hara has been my eyes and ears on issues relating to Ireland and Irish Americans. I take some small credit for helping move along the peace process in Northern Ireland, which culminated in the Good Friday Accord. My success in this regard owes much to the tenacity, gregariousness, and hard-work of Lizzy.

Elaine Simek, now a prominent securities lawyer in New York, previously served as my Legislative Director and my right-hand-woman on Irish issues. Her dedication over the years helped make the Congressional Ad-Hoc Caucus on Irish Affairs the successful organization it is today. And, like me, she was able to hold down a full-time job while getting her law degree at night school.

Bill Driscoll and Fran Kraft both served as my District Office Managers for many years. Their knowledge of the District and local politics kept me out of hot water more times than I care to remember.

My good friend and colleague, Walter McCaffrey, served me admirably as my very first District Chief of Staff. He later went on to win election to the New York City Council, where he still serves with distinction in the seat I once held.

The rest of my current staff have all played an important role in keeping me informed and knowledgeable of a multitude of issues and concerns. As I said before, they are the real backbone of a successful Congressional office.

Cinnamon Rogers, my Legislative Director, has done a yeoman's job for me on telecommunication and finance issues under the Commerce Committee. Matt Socknat, has helped me obtain crucial funding for cleaning-up a local water body and successfully fought to stop additional flights in and out of LaGuardia Airport. Maggie Berman has done a great job juggling my schedule while working on a number of tricky legislative issues. Adam Wolf has brought a unique sense of humor, dedication, and caring to his staff position. No one is better at obtaining White House tour tickets.

In my District Office, Angela Dekker has had the unenviable task of keeping my schedule straight, and has done so with alacrity. Irene Baker has done an outstanding job taking over the office's press duties and working with my constituents on a multitude of issues. Julia Jimenez has slogged through countless immigration cases without missing a beat. The two newest District staffers, Ivan Lavios and Tim Higgins, have brought a new zest and determination to working with my constituents. And, Fran Mahony Reilly, my Bronx District Office Manager, has successfully taken on the responsibilities of a several person office all by herself. Without her, I simply could not have adequately represented my Bronx constituency.

Mr. Speaker. Finally, I would like to mention a few other members of my staff, both past and present, who have made my offices very special over the years: John Feeney, Rodney Bedford, Sean McIntyre, Jorge Rodriguez, Tom Messina, Tara Thompson, John Smythe, Neal Fenton, and Peter Praeger. I am leaving many individuals out of this list, but I hope they understand that they all played a very important part in keeping the offices running and the constituents of the 7th Congressional District happy.

Mr. Speaker, again I congratulate and thank all of my staff for their many years of service. I will miss them, as I will miss my colleagues and this great institution.

#### HONORING LATVIAN INDEPENDENCE DAY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Cleveland's Latvian community in celebrating 80 years of independence. Latvian-Americans have become an important part of this area, enriching it with their native heritage and lively culture.

The Latvian Community in Cleveland traces back its origins to 1897, when 28 families formed the Emmanuel Lutheran Parish. At the

end of World War II, the evasion of communism caused a massive immigration of Latvians to the United States, during which more than 2,500 displaced Latvians chose the Cleveland area as their home.

This community of Latvian immigrants has grown throughout the years, entering America's economic and educational mainstream, but always maintaining their Latvian heritage by sharing native foods, folk songs and dancing with their neighboring communities. The Latvian organizations in Cleveland have promoted and preserved their native values and culture, as well as worked to expose the ravages of communism. They contributed to the dream and final reality of an independent Latvia, when the country regained its independence in 1991, after 50 years of Soviet domination.

My fellow colleagues, please join me in honoring Latvia's 80th Independence Day celebration in the Greater Cleveland area. This event commemorates the many accomplishments of this community, and it recognizes the struggle to gain the freedom they have enjoyed for the past eight decades. Latvian-Americans continue to hold on to their Latvian heritage, culture, traditions and maintain ties with family and friends who live in their native land.

#### TRIBUTE TO FRANCES LOUISE JACKSON BALTIMORE

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Ms. BROWN of Florida. Mr. Speaker, I rise today to pay tribute to a remarkable woman who has recently departed this life. Frances Louise Jackson Baltimore (1918–1998) was a wonderful mother, wife, and friend to many. She was born to the late Cornelius Jackson and Fannie Burrells Jackson on June 18, 1918 in Linden, Virginia. She married at an early age to Bishop Eugene E. Baltimore, and gave birth to six children—Anna, Florence, Barbara Jean, Eugene, Wilbert, and Darlene. She was preceded in death by Barbara Jean, Eugene, and Darlene.

Frances attended the Cherry Hill Elementary School in Linden, Virginia. She married Bishop Eugene Baltimore in Front Royal, Virginia, and they relocated to Johnsontown, Jefferson County, West Virginia. She and Eugene raised five children, and ran a clean, tidy household of modest means. She had numerous skills, many of which she passed on to her children, including sewing, cooking, canning and preserving, and decorating. She worked very hard to raise a proper family during the depression era.

After her children were grown, Frances moved to New York City where she received her GED and earned a Certificate of Completion in Geriatric Nursing. She lived and worked in New York for more than 20 years and was active in the lives of friends and family there. She later took up residence in Annapolis, Maryland, in 1982, and became a member of her son Wilbert's church, the Holy Temple Cathedral Church of God.

Frances was the matriarch of a very talented family. Her offspring have gone on to become successful professionals, many of whom earned advanced degrees and served